

**Bold** = new language

~~Strikeout~~ = existing language deleted in this rulemaking

## **TITLE 329 SOLID WASTE MANAGEMENT DIVISION**

### **RULE AS PRELIMINARILY ADOPTED AND PROPOSED FOR FINAL ADOPTION**

LSA Document #22-216

#### **DIGEST**

Amends 329 IAC 3.1-6-1 concerning the adoption of federal requirements for the identification of liquid waste as an ignitable hazardous waste. Effective 30 days after filing with the Publisher.

#### **HISTORY**

Findings and Determination of the Commissioner Pursuant to IC 13-14-9-7 and Second Notice of Comment Period: June 29, 2022, Indiana Register (DIN: 20220629-IR-329220216FDA).

Notice of First Hearing: June 29, 2022, Indiana Register (DIN: 20220629-IR-329220216PHA).

Date of First Hearing: September 14, 2022.

Proposed Rule: October 5, 2022, Indiana Register (DIN: 20221005-IR-329220216PRA).

Notice of Second Hearing: October 5, 2022, Indiana Register (DIN: 20221005-IR-329220216PHA).

Date of Second Hearing: November 9, 2022.

#### **329 IAC 3.1-6-1**

SECTION 1. 329 IAC 3.1-6-1 IS AMENDED TO READ AS FOLLOWS:

#### **329 IAC 3.1-6-1 Adoption of federal identification and listing of hazardous waste**

**Authority:** IC 4-22-2-21; IC 13-14-8; IC 13-22-2-4

**Affected:** IC 13-22-2-3

Sec. 1. (a) This rule identifies solid wastes that are subject to:

- (1) regulation as hazardous waste under this article; and
- (2) the notification requirements of 329 IAC 3.1-1.

(b) Except as provided in section 2 of this rule, the requirements of 40 CFR 261\*, as amended by:

- (1) 81 FR 85713 through 81 FR 85715\*;
- (2) 81 FR 85806\*;
- (3) 82 FR 60900\*;
- (4) 83 FR 61562 through 83 FR 61563\*;

- (5) 84 FR 5938 through 84 FR 5939\*; ~~and~~
- (6) 84 FR 67217\*; **and**
- (7) 85 FR 40608\*;**

apply to the identification and listing of hazardous waste.

(c) For purposes of this article, a reference to any part of 40 CFR 261 means the version referenced in subsection (b).

\*These documents are incorporated by reference. Copies may be obtained from the Government Publishing Office, [www.gpo.gov](http://www.gpo.gov), or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204. (*Solid Waste Management Division; 329 IAC 3.1-6-1; filed Jan 24, 1992, 2:00 p.m.: 15 IR 924; filed May 6, 1994, 5:00 p.m.: 17 IR 2062; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Nov 26, 2019, 11:36 a.m.: 20191225-IR-329180481FRA; filed Jan 15, 2021, 1:37 p.m.: 20210210-IR-329200204FRA*)